

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

JUL 18 1985

IN REPLY REFER TO:

Mr. Burton Greenberg  
TeleScan, Inc.  
36 East 12th Street  
New York, New York 10003

Dear Mr. Greenberg:

This responds to the request submitted by TeleScan, Inc., on May 7, 1985, for FCC approval of a system to encode advertiser identification signals on line 22 of the television active video signal.

As described by TeleScan, this system would be used to provide independent verification of broadcasts of advertising messages. In operation, data signals carrying an advertiser's ISCI identification number would be encoded on commercials broadcast by a television station. The television station's signal would be monitored by equipment capable of decoding the data and recording it, along with the date, time of day, length of commercial, and presence of audio and video. TeleScan then would use the recorded information to provide various reports for its advertiser clients.

TeleScan indicates that it would prefer to transmit its signals on line 20 of the vertical blanking interval (VBI), but it has met resistance from broadcasters who are reserving this resource for their own purposes. It, therefore, desires to test and possibly implement the TeleScan system on line 22.

The Mass Media Bureau requested comments on the TeleScan request in a Public Notice released June 10, 1985. Comments were submitted by parties representing broadcasting and advertising interests. The commenting parties representing broadcasting interests express some concerns and reservations with respect to use of the TeleScan system, but in general are not opposed to its authorization. In particular, broadcasters argue that they should be informed of the presence of TeleScan signals and that the ultimate control and authority with respect to transmission of these signals should rest with the individual television station licensees. Broadcasters also are concerned that the TeleScan system is relatively untested and might cause interference or degradation to picture quality on some receivers, particularly new units that they claim do not employ overscanning. The CBS and ABC television networks oppose authorization of the TeleScan system. They submit that the presence of data signals on line 22 will cause unacceptable interference to picture

quality and that the monitoring of commercial announcements can be performed by other means that will not impair the video service. Commenting parties representing advertising interests support the authorization and use of a system for electronically monitoring broadcasts of commercial messages.

Upon examination of TeleScan's request, we believe that the TeleScan data qualifies as a "special signal," that is, a signal related to broadcast operation, but not intended for public use. The Commission set forth its policy concerning special signals in a Public Notice dated April 20, 1970. See, 22 FCC 2d 779 (1970). The Commission recognized the benefits of such signals and noted that they contribute to efficient broadcast operation. However, the Commission was also concerned that the use of special signals could cause some degradation of the broadcast program signal. Therefore, under the authority of Section 303(c) of the Communications Act, which directs the Commission to regulate the "kind of apparatus to be used with respect to . . . the purity and sharpness of emissions from stations . . .," the Commission held that such signals cannot be employed without its specific authorization. The Commission also specified that such permission will be granted only where it is infeasible to transmit the signals by means which have no detrimental effect on the broadcast service.

We find that the TeleScan system meets the standards established for special signals. TeleScan data, while not intended for use by the viewing public, is clearly related to the program material within which it is transmitted and to the operation of a television station's primary program service. The verification of broadcast of advertising messages is an element of the business side of broadcasting and is, therefore, a part of broadcast operation. In this regard, we find the TeleScan system the same as other special signals such as the cue and control tones used in program presentation. In addition, the nature and purpose of the information to be encoded requires that it be transmitted as an integral part of its associated program material. Thus, we believe it would not be practical to transmit TeleScan commercial verification data separately from the television signal carrying the program being monitored.

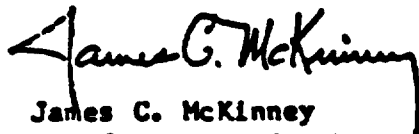
Our evaluation of the technical description of the TeleScan system indicates that the method used to encode the data and the presence of these signals on line 22 generally would not cause noticeable or objectionable interference or degradation to a station's video program service. It appears that use of the TeleScan system would not require changes to any component of a station's program presentation or transmitter equipment. We also find this system to be compatible with the technical standards for the television service such that its use would not necessitate modifications to our television technical rules.

On the basis of the above, we believe that the TeleScan system is consistent with our policy concerning use of special signals. Moreover, it appears that the use of this system for commercial verification would provide a number of benefits and efficiencies for the industry. We, therefore, have decided to

authorize transmission of TeleScan signals on line 22 of the television picture for the purpose of verification of broadcasts of commercial announcements. We wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit TeleScan signals. It would therefore be permissible for a broadcaster to blank the TeleScan data line or replace it with reconstructed video. Consequently, we would expect that the broadcaster would be notified of the presence of advertiser verification signals on line 22 in commercial announcements. The authority to transmit TeleScan signals on line 22 also remains subject to the condition that the signals not produce unacceptable degradation of the television service received by viewers.

Accordingly, pursuant to Section 303(e) of the Communications Act, authority IS GRANTED for general use of the TeleScan system on line 22 by licensees in the television services. This authority is limited to use of the TeleScan system for purposes of verification as discussed herein. No other broadcast uses of the TeleScan system are permitted without the express consent of the Commission. Authority for this action is provided under Section 0.293 of the Commission's rules.

Sincerely,

  
James C. McKinney  
Chief, Mass Media Bureau

JUL 18 1985

Mr. Erwin G. Krasnow  
Verner, Lipfert, Bernhard, McPherson  
and Hand, Chartered  
1660 L Street, N.W.  
Suite 1000  
Washington, DC 20036

Dear Mr. Krasnow:

This responds to the request submitted by Ad Audit Inc., on June 12, 1985, for FCC approval of a system to encode advertiser and program identification signals on-line 22 of the television active video signal.

As described by Ad Audit, this system would be used to provide independent verification of broadcasts of programs and commercial messages. In operation, data signals carrying program identification information would be encoded on commercial announcements and programs broadcast by a television station. The television station's signal would be monitored by equipment capable of decoding the data and recording it, along with the date, time of day, length of commercial, and presence of audio, video, and color. Ad Audit then would use the recorded information to provide various reports for its clients.

Ad Audit indicates that it would prefer to transmit its signals on the vertical blanking interval (VBI). However, Ad Audit recognizes that television stations use the VBI for other purposes and is concerned that stations might delete its data if it were encoded on this portion of the television signal. In order to ensure that its signals are transmitted, Ad Audit seeks to encode the identification data on line 22 of the active video signal.

The Mass Media Bureau requested comments on the Ad Audit request in a Public Notice released June 21, 1985. Comments were submitted by parties representing broadcasting and advertising interests. The commenting parties representing broadcasting interests express some concerns and reservations with respect to use of the Ad Audit system, but in general are not opposed to its authorization. In particular, broadcasters argue that they should be

informed of the presence of Ad Audit signals and that the ultimate control and authority with respect to transmission of these signals should rest with the individual television station licensees. Broadcasters also are concerned that the Ad Audit system is relatively untested and might cause interference or degradation to picture quality on some receivers, particularly new units that they claim do not employ overscanning. The CBS and ABC television networks oppose authorization of the Ad Audit system. They submit that the presence of data signals on line 22 will cause unacceptable interference to picture quality and that the monitoring of commercial announcements can be performed by other means that will not impair the video service. Commenting parties representing advertising interests support the authorization and use of a system for electronically monitoring broadcasts of commercial messages.

Upon examination of Ad Audit's request, we believe that the Ad Audit data qualifies as a "special signal," that is, a signal related to broadcast operation, but not intended for public use. The Commission set forth its policy concerning special signals in a Public Notice dated April 20, 1970. See, 22 FCC 2d 779 (1970). The Commission recognized the benefits of such signals and noted that they contribute to efficient broadcast operation. However, the Commission was also concerned that the use of special signals could cause some degradation of the broadcast program signal. Therefore, under the authority of Section 303(e) of the Communications Act, which directs the Commission to regulate the "kind of apparatus to be used with respect to . . . the purity and sharpness of emissions from stations . . .," the Commission held that such signals cannot be employed without its specific authorization. The Commission also specified that such permission will be granted only where it is infeasible to transmit the signals by means which have no detrimental effect on the broadcast service.

We find that the Ad Audit system meets the standards established for special signals. Ad Audit data, while not intended for use by the viewing public, is clearly related to the program material within which it is transmitted and to the operation of a television station's primary program service. The verification of broadcast of advertising messages and programs is an element of the business side of broadcasting and is, therefore, a part of broadcast operation. In this regard, we find the Ad Audit system the same as other special signals such as the cue and control tones used in program presentation. In addition, the nature and purpose of the information to be encoded requires that it be transmitted as an integral part of its associated program material. Thus, we believe it would not be practical to transmit Ad Audit verification data separately from the television signal carrying the program being monitored.

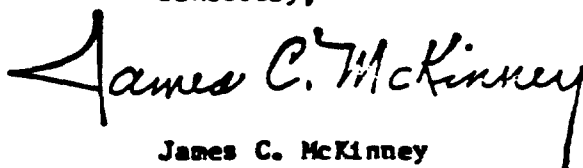
Our evaluation of the technical description of the Ad Audit system indicates that the method used to encode the data and the presence of these signals on line 22 generally would not cause noticeable or objectionable interference or degradation to a station's video program service. It appears that use of the Ad Audit system would not require changes to any component of a station's

program presentation or transmitter equipment. We also find this system to be compatible with the technical standards for the television service such that its use would not necessitate modifications to our television technical rules.

On the basis of the above, we believe that the Ad Audit system is consistent with our policy concerning use of special signals. Moreover, it appears that the use of this system for commercial and program verification would provide a number of benefits and efficiencies for the industry. We, therefore, have decided to authorize transmission of Ad Audit signals on line 22 of the television picture for the purpose of verification of broadcasts of programs and commercial announcements. We wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit Ad Audit signals. It, therefore, would be permissible for a broadcaster to blank the Ad Audit data line or replace it with reconstructed video. Consequently, we would expect that the broadcaster would be notified of the presence of advertiser verification signals on line 22 in commercial announcements. The authority to transmit Ad Audit signals on line 22 also remains subject to the condition that the signals not produce unacceptable degradation of the television service received by viewers.

Accordingly, pursuant to Section 303(e) of the Communications Act, authority IS GRANTED-for general use of the Ad Audit system on line 22 by licensees in the television services. This authority is limited to use of the Ad Audit system for purposes of verification as discussed herein. No other broadcast uses of the Ad Audit system are permitted without the express consent of the Commission. Authority for this action is provided under Section 0.283 of the Commission's rules.

Sincerely,

A handwritten signature in dark ink, reading "James C. McKinney". The signature is written in a cursive style with a large, stylized initial "J".

James C. McKinney  
Chief, Mass Media Bureau

AStillwell:lg/prd;pab/MPH  
Typed: 7/18/85

8208

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

NOV 6 1986

Mr. John G. Johnson, Jr.  
Kadison, Pfaelzer, Woodward, Quinn & Rossi  
2000 Pennsylvania Ave., N.W.  
Washington, D.C. 20006

IN REPLY REFER TO:

Dear Mr. Johnson:

This is in response to your letters of October 22, 1986, and October 31, 1986 regarding a method developed by Republic Properties Inc. (Republic), for encoding advertiser-related and program-indentification information on line 22 of the television active video signal. The information that would be encoded on to line 22 would consist of data identifying commercial advertisements and other program material, including the date and time of day of the advertisements or other material, the length of the presentation and the presence of audio, video and color content in the presentation. You indicate that your client's method is similar to a method previously developed by Ad Audit Inc. and subsequently approved by the Commission. You also indicate that Republic's system operates within the technical confines of the Ad Audit system and therefore request that the Commission similarly approve Republic's proposed system.

Upon examination of your request, we believe that the Republic system signal qualifies as a "special signal," that is, a signal related to broadcast operation, but not intended for public use. The Commission set forth its policy concerning special signals in a Public Notice dated April 20, 1970. See, 22 FCC 2d 779 (1970). The Commission recognized the benefits of such signals and noted that they contribute to efficient broadcast operation. However, the Commission was also concerned that the use of special signals could cause some degradation of the broadcast signal. Therefore, under the authority of Section 303(e) of the Communications Act, which directs the Commission to regulate the "kind of apparatus to be used with respect to. . . the purity and sharpness of emissions from stations. . .," the Commission held that such signals cannot be employed without its specific authorization. The Commission also specified that such permission will be granted only where it is infeasible to transmit the signals by means which have no detrimental effect on the broadcast service.

We find that Republic's system meets the standards established for special signals. Republic's signal, while not intended for use by the viewing public, is clearly related to the program material within which it is transmitted and to the operation of a television station's primary program service. The verification of the broadcast of advertising messages is an element of the business side of broadcasting and is, therefore, a part of broadcast operation. In this regard, we find the Republic system the same as other special signals such as the cue and control tones used in program presentation. In addition, the nature and purpose of the information to be

encoded requires that it be transmitted as an integral part of its associated program material. Thus we believe it would not be practical to transmit commercial verification data separately from the television signal carrying the program being monitored.

Our evaluation of the technical description of the Republic system indicates that the method used to encode the data and the presence of these signals on line 22 generally would not cause noticeable or objectionable interference or degradation to a station's video program service. It appears that the use of Republic's system would not require changes to any component of a station's program presentation or transmitter equipment. We also find this system to be compatible with the technical standards for the television service such that its use would not necessitate modifications to our television technical rules.

On the basis of the above, we believe that the Republic system is consistent with our policy concerning use of special signals. Moreover, it appears that the use of this system for commercial verification would provide a number of benefits and efficiencies for the industry. We, therefore, have decided to authorize transmission of the Republic system on line 22 of the television picture for the purpose of verification of broadcasts of commercial announcements and other program material. We wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit Republic's signals. It would therefore be permissible for a broadcaster to blank the system's signal or replace it with reconstructed video. Consequently, we would expect that the broadcaster would be notified of the presence of advertiser verification signals on line 22 in commercial announcements. The authority to transmit the system's signals on line 22 also remains subject to the condition that the signals not produce unacceptable degradation of the television service received by viewers.

Accordingly, pursuant to Section 303(e) of the Communications Act, authority IS GRANTED for general use of the Republic system on line 22 by licensees in the television services. This authority is limited to use of the Republic system for the purposes of verification as discussed herein. No other broadcast uses of the Republic system are permitted without the express consent of the Commission. Authority for this action is provided under Section 0.283 of the Commission's rules.

Sincerely,

/s/ James C. McKinney

James C. McKinney  
Chief, Mass Media Bureau

SRoberts/sr/pab/PRD/MMB  
typed 11/4/86



8308

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON D C 20554

AUG 28 1987

AUG 28 1987

signed by  
mailed by

ON REPLY REFER TO

Mr. Schuyler M. Moore  
Gipson Hoffman & Pancione  
1888 Century Park East, Suite 1777  
Los Angeles, CA 90067

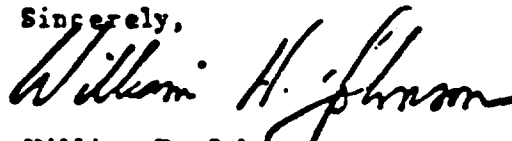
Dear Mr. Moore:

This is in response to your letters of July 16, 1987, and July 21, 1987, to William Hassinger of this office and of August 19, 1987, to William E. Johnson, Acting Chief of the Mass Media Bureau, regarding a method developed by Republic Properties Inc. (Republic), for encoding advertiser-related and program-identification information on line 22 of the television active video signal. In your letters, you specifically request permission to transfer the FCC approval of the Republic system (letter of November 6, 1986) to "Air Trax," a limited partner of Republic.

The authority granted by the Bureau's letter of November 6, 1986, was "for general use of the Republic system on line 22 by licensees in the television services." As long as the system a licensee employs has the same technical characteristics of that contained in the initial filing and is in this sense the "Republic system," it may be used by any licensee. It is the licensee that we hold responsible for compliance with Commission rules and policies. If there are proprietary aspects to this system, they may be transferred without Commission approval but the technical aspects of the operation must remain as initially represented for the approval to remain valid.

As indicated in the November 6, 1986, authorization, we wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit Republic's signals. The authority to transmit the system's signals on line 22 also remains subject to the condition that the signals not produce unacceptable degradation of the television service received by viewers. Further, the authority is limited to the purposes of verification as discussed in the November 6, 1986, letter. No other broadcast uses of the system described herein are permitted without the express consent of the Commission.

Sincerely,



William H. Johnson  
Acting Chief, Mass Media Bureau

SRoberts/sr/pab/PRD

nm-8368  
Blumenthal

OCT 26 1988

Exhibit B

RECEIVED BY

Mr. Kevin McMahon  
Davis, Hoxie, Faithfull and Hapgood  
45 Rockefeller Plaza  
New York, New York 10011

MAIL BRANCH

OCT 26 1988

OCT 27 1988

MAIL BRANCH

signed by  
mailed by

Dear Mr. McMahon:

This is in response to your letters of August 23, and September 14, 1988, regarding the general use of the "TeleScan system" to encode advertiser identification signals on line 22 of the television active video signal by television station licensees. Specifically, you request that the Commission confirm that the authorization it granted for use of the "TeleScan system" by TeleScan, Inc., (letter dated July 18, 1985) applies to the provision of such services by VidCode, Inc., as well. You note that VidCode is a new company that is unrelated to TeleScan and will have different ownership. You also state that VidCode expects to acquire the patents and patent applications for the "TeleScan system" from their current owners.

As you know, on May 7, 1985, TeleScan requested that the Commission approve a system to encode advertiser identification signals on line 22 of the television active video signal. The Commission approved TeleScan's request, determining, first, that the transmission of such data qualified as a "special signal," (i.e., a signal that is related to broadcast operation, but not intended for public use), and, second, that the authority granted was "for general use of the TeleScan system on line 22 by licensees in the television services." The authority granted in the July 18, 1985, letter allows any television licensee to employ a system having the same technical characteristics as the TeleScan system so long as the conditions set forth in that letter are satisfied. The Federal Communications Commission expresses no position with respect to the legality under applicable laws relating to intellectual property rights of the use of the TeleScan system by VidCode or any other party. Moreover, we wish to emphasize that this is a permissive authority only. Television licensees retain ultimate control over their transmissions and are not required to transmit VidCode signals.

Sincerely,

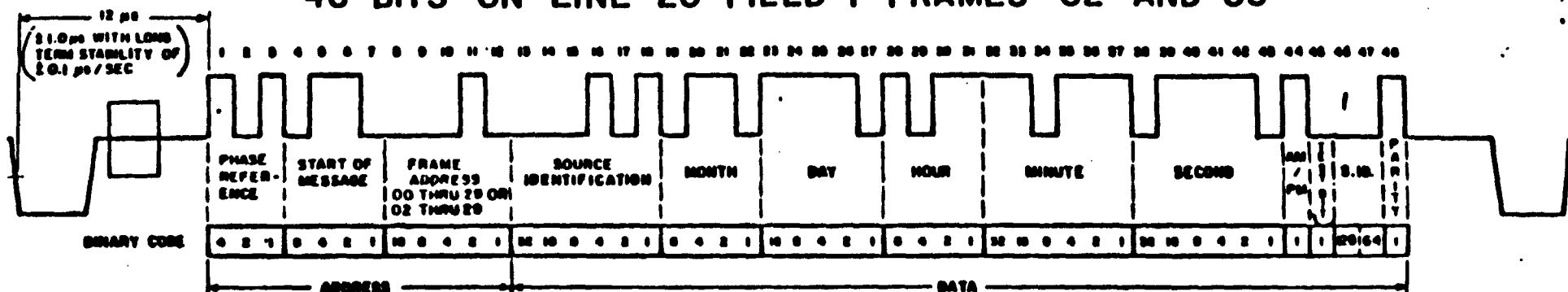
Alex D. Felker  
Chief, Mass Media Bureau

PBlumenthal:jy:pab:prd:MFB  
Typed: 10/24/88

B

# AMOL SOURCE IDENTIFICATION SIGNAL FORMAT 48 BITS ON LINE 20 FIELD 1 FRAMES 02 AND 03

FIGURE 1



TYPICAL WAVEFORM SHOWN IS FOR LINE 20 FIELD 1 FRAMES 02 AND 03 AND IS CODED STARTING AT BIT 0: FRAME 02, ABC SOURCE IDENTIFICATION 05, 6TH MONTH, 30TH DAY, 11TH HOUR, 55TH MINUTE, 30TH SECOND, PM, EASTERN DAYLIGHT TIME, BIT 48 INDICATES ODD PARTY DURING THIS TRANSMISSION.

## FRAME ADDRESS

31 THROUGH 48 AND 49 APPEAR ON ALL FRAMES. BITS 13 THROUGH 47 CONTAIN DIFFERENT INFORMATION ON DIFFERENT FRAMES AS SHOWN BELOW.

## NAME

## ASSIGNMENT

NOT ASSIGNED - SEE NOTE 10  
NOT ASSIGNED - SEE NOTE 10  
S.D. CALENDAR AND TIME  
S.D. CALENDAR AND TIME  
NOT ASSIGNED

- 20

## SOURCE IDENTIFICATION ASSIGNMENT

00-10	ABC
10-31	CSB
32-47	NBC
48-63	PBS
64-79	ABC
80-95	CSB
96-111	NBC
112-127	PBS
128-143	NOT ASSIGNED
144-159	" "
160-175	" "
176-191	" "
192-207	" "
208-223	" "
224-239	" "
240-255	NOT ASSIGNED

## NOTES

1. SEND ON LINE 20 FIELD 1 ONLY.
2. RISE TIME 200 ns ± 50 ns, OVERSHOOT, LINGERING AND SPURIOUS SIGNALS LESS THAN 2.5 NS UNITS.
3. BIT INTERVALS NOT ± 0.1 ns, W.A.D. WITH CUMULATIVE ERROR OVER 40, BITS PER LINE NOT TO EXCEED 0.5 ns.
4. DATA IS IN BINARY CODE.
5. "1" = 00 NS UNITS - 0 + 10 NS UNITS.
6. "0" = 0 NS UNITS - 0 + 10 NS UNITS.
7. AM = 0, PM = 1
8. BIT 48 IS AVAILABLE FOR FORCING A CHANGE LINE IN DECODER MEMORY FOR SYSTEM TEST.
9. VIDEO NOT TO SCALE.
10. FRAME ADDRESSES 00 AND 01 ARE OMITTED IN CERTAIN SECONDS PER DROP FRAME TIME CODE. DELETING THESE FRAME NUMBERS ADJUSTS THE FRAME COUNT SO THAT FRAME COUNT TIME WILL TRACK REAL TIME SECONDS.
11. WHEN PRESENT, FRAME ADDRESS 00 IDENTIFIES THE FIRST EVEN FRAME NUMBER. WHEN FRAME ADDRESS 00 IS OMITTED, 02 IS THE FIRST EVEN FRAME ADDRESS.
12. THE DATA IN ADJACENT FRAMES 02 AND 03 ARE IDENTICAL. DATA CHANGES MAY OCCUR FOLLOWING FRAME 03 AND BEFORE THE NEXT FRAME 02.
13. BIT 49 WILL BE A PARITY BIT AND BE EQUAL TO A ONE WHEN THE SUM OF BITS 1 THRU 47 ARE EVEN FOR THAT TRANSMISSION. (ODD PARITY)

CERTIFICATE OF SERVICE

I, Arlene F. Lacki, a secretary in the law firm of Heron, Burchette, Ruckert & Rothwell, do hereby certify that I have on this 22nd day of September, 1989, caused copies of the foregoing COMMENTS OF A.C. NIELSEN COMPANY to be hand-delivered to the following:

\*John C. Johnson, Jr.  
Bryan, Cave, McPheeters & McRoberts  
1015 Fifteenth Street, N. W.  
Suite 1000

\*Bruce H. Turnbull, Esq.  
Weil, Gotshal & Manges  
1615 L Street, N.W.  
Washington, D.C. 20036

\*Mr. Alex D. Felker  
Chief, Mass Media Bureau  
Federal Communications Commission  
1919 M Street, Northwest  
Room 314

\*The Honorable Alfred Sikes  
Chairman, Federal Communications Commission  
1919 M St., N.W.  
Room 814

\*The Honorable James H. Quello  
Member, Federal Communications Commission  
1919 M St., N.W.  
Room 802

\*The Honorable Patricia Diaz Dennis  
Member, Federal Communications Commission  
1919 M St., N.W.  
Room 832

\*The Honorable Sherrie Marshall  
Member-Designate  
Federal Communications Commission  
1919 M St., N.W.  
Room 844

\*The Honorable Andrew Barrett  
Member-Designate  
Federal Communications Commission  
1919 M Street, Northwest  
Room 826

\*Roy J. Stewart, Esquire  
Chief, Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, Northwest  
Room 702

\*Stephen F. Sewell, Esquire  
Assistant Chief  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, Northwest  
Room 702

\*Clay C. Pendarvis, Esquire  
Chief, Television Branch  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, Northwest  
Room 700

\*Mr. Gordon Godfrey  
Television Branch  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, Northwest  
Room 700

\*Bradley P. Holmes, Esquire  
Chief, Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, Northwest  
Room 8010

\*Mr. James McNally  
Chief, Engineering Policy Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, Northwest  
Room 8112

\*Mr. Bernard Gorden  
Engineering Policy Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, Northwest  
Room 8114

**\*HAND DELIVERY**

*Alene L. Lechi*